

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**2015 FORD F-150 LOBO, VIN:
1FTEW1EF3FKD18800,**

Defendant.

Case No.

COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, by its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Amy B. Blackburn, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881(a)(4).

THE DEFENDANT IN REM

2. The defendant property, a 2015 Ford F-150 Lobo, VIN: 1FTEW1EF3FKD18800, was seized from Antonio Bejar-Baca on September 29, 2017, in Grain Valley, Missouri. It is presently in the custody of the United States Marshals Service in Kansas City, Missouri.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under

28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881(a)(4).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it was used, or was intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of the Controlled Substances Act.

FACTS

7. On September 27, 2017, Drug Enforcement Administration (DEA) Special Agent (SA) C. Atkins located a white 2015 Ford LOBO (white Ford Lobo) in the parking lot of the Days Inn Hotel, located at 7721 Elizabeth Avenue, Kansas City, Kansas, 66112, bearing a license plate from Chihuahua, Mexico. SA C. Atkins contacted DEA Intel Analyst Stephen Spencer, who was able to provide SA C. Atkins with information that the vehicle had crossed the Mexico-USA border at the Presidio Checkpoint on September 26, 2017, at 10:51 AM EST.

8. SA McCall, U.S. Customs Border Protection, advised SA C. Atkins that Rafael BEJAR-BACA crossed the USA-Mexico border fifteen (15) times in the past 6 months. SA McCall also advised that on one of the 15 border crossings, which occurred on September 10, 2015, at the Checkpoint at El Paso, Texas, BEJAR-

BACA has a connection to the attempted smuggling of 5.8 kilograms of cocaine, which was found hidden in the exhaust manifold of a (still operating) Dodge vehicle, across the USA-Mexico Border. SA McCall said he has dealt with BEJAR-BACA in the past, and believed that BEJAR-BACA and others in BEJAR-BACA's organization are transporting cocaine and methamphetamine across the Mexico border into the United States.

9. Special Agents and Task Force Officers (TFO's) from the Kansas City Interdiction Task Force (KCITF) have been involved in seizing bulk amounts of illegal drugs coming from Mexico, and have also seized bulk quantities of illegal drug proceeds leaving the Kansas City area and/or coming through the Kansas City area destined for Mexico. Indeed, Mexico is a known source country for illegal drugs.

10. On September 28, 2017, at 10:25 a.m., members of surveillance observed Antonio BEJAR-BACA retrieving a blue, hard sided, rolling suitcase from the white Ford Lobo and then enter the main entrance of the Days Inn Hotel in Kansas City, Kansas.

11. On September 29, 2017, members of surveillance observed BEJAR-BACA leave the Days Inn Hotel carrying a duffel bag, which he placed in the white Ford Lobo and then entered the truck.

12. Agents then observed BEJAR-BACA drive the white Ford Lobo out of the Days Inn Hotel parking lot followed by a green GMC Sierra 1500 pick-up truck (green GMC pick-up), bearing a Kansas 60-Day Temporary Tag. Members of surveillance followed the white Ford Lobo, driven by BEJAR-BACA, and the green GMC pick-up to a residence in Grain Valley, Missouri.

13. Surveillance later saw MERAZ-MARQUEZ and BEJAR-BACA exit the residence and enter the Green GMC pick-up. Members of surveillance observed the green GMC pick-up conduct numerous counter surveillance maneuvers, which was indicative to the SAs and TFOs that the occupants were attempting to gather intelligence regarding whether police were following them. Members of surveillance continued to follow the green GMC pick-up, and continued to observe various counter surveillance maneuvers, as well as multiple stops throughout the city that were suspicious and not consistent of typical travels.

14. On September 29, 2017, in the latter part of the evening, a Kansas Highway Patrol (KHP) Trooper obtained probable cause for a traffic stop on the Green GMC pick-up, and identified the driver as Homero MERAZ-MARQUEZ, who was the above subject previously observed meeting with BEJAR-BACA. The KHP Trooper identified the passenger as BEJAR-BACA.

15. MERAZ-MARQUEZ and BEJAR-BACA lied about their travels over the last 3 days, including the hotel where they were staying.

16. The KHP Trooper, as well as SA C. Atkins obtained consent to search the green GMC pick-up. The search revealed a receipt for the Days Inn and several receipts showing the transfer of large amounts of United States currency consistent with money laundering. SA C. Atkins also found five cell phones, two of which were unclaimed, which was suspicious, and based on training and experience, SA C. Atkins knows it to be common of drug and money couriers to disclaim and/or not associate themselves from items, such as cell phones, commonly utilized by drug traffickers to facilitate drug conspiracies.

17. When SA C. Atkins asked BEJAR-BACA about the whereabouts or location of the white Ford Lobo, BEJAR-BACA told SA C. Atkins that a relative of BEJAR-BACA drove the truck to Texas.

18. SA C. Atkins asked for BEJAR-BACA to identify the location of the keys for the white Ford Lobo, and BEJAR-BACA said they were in the possession of "Horacio," whose whereabouts were unknown. When SA C. Atkins asked MERAZ-MARQUEZ to identify the location of the keys for the white Ford Lobo, MERAZ-MARQUEZ eventually said the keys were at the Grain Valley, Missouri residence.

19. BEJAR-BACA and MERAZ-MARQUEZ agreed to accompany SAs and TFOs to the residence in Grain Valley, Missouri. At this residence, a drug K-9, conducted a free air sniff of the green GMC pick-up and the white Ford Lobo. The K-9 made a positive alert to the presence of narcotic(s) on or about the areas inside the cabin, and between the main cabin and the bed of the vehicle. The K-9 officer also observed a new exhaust system, and fresh paint surrounding the exhaust. This area is also a common concealment utilized by drug traffickers to hide narcotics and illegal drug proceeds. A search within the GMC pick-up revealed a large amount of United States currency laying in the front dash where the K-9 alerted. The K-9 made a positive alert for the presence of narcotic(s) on or about the United States currency. MERAZ-MARQUEZ claimed that this United States currency was his. A later official count by Dunbar personnel found that the currency and suspected illegal drug proceeds totaled \$1,912.

20. SA C. Atkins asked both BEJAR-BACA and MERAZ-MARQUEZ for consent to search the white Ford Lobo and both men gave consent for the search.

21. During the search of the white Ford Lobo, SA C. Atkins located the duffel bag that TFO S. Zadoyan observed BEJAR-BACA carrying out of the Days

Inn Hotel on September 27, 2017. Inside this duffel bag, SA C. Atkins found approximately 32.85 gross grams of a white, powdery substance, which field tested positive for the presence of cocaine. SA C. Atkins also located a Ziplock Vacuum Sealer and a roll of Reynolds tin foil (suspected contraband utilized to package illegal drugs and/or money), hidden within the duffel bag. SA C. Atkins also found \$10,000 in United States currency, suspected drug related proceeds, hidden inside the liner of the duffel bag. Based on SA Atkins' training and experience, placing currency or drugs within the lining of a bag is another common concealment method utilized by illegal drug and money traffickers. Also, located in the white Ford Lobo were numerous receipts showing the transfer of large amounts of money to locations outside of the country, which based on SA Atkins' training and experience, is a method commonly utilized by illegal drug and money couriers involved in laundering and concealing monetary assets.

22. SA C. Atkins then spoke with both MERAZ-MARQUEZ and BEJAR-BACA. Although MERAZ-MARQUEZ had repeatedly lied about his and BEJAR-BACA's whereabouts over the course of three consecutive days, MERAZ-MARQUEZ finally admitted that he and BEJAR-BACA were staying in the Days Inn Hotel for multiple days, and also said they both had used cocaine, which was supplied by BEJAR-BACA.

CLAIM FOR RELIEF

23. The Plaintiff repeats and incorporates by reference the paragraphs above.

24. By the foregoing and other acts, the defendant 2015 Ford F-150 Lobo, VIN: 1FTEW1EF3FKD18800, constitutes a vehicle that was used, or was intended

to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, and therefore is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(4).

WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By: /s/ Amy B. Blackburn
Amy B. Blackburn, MO #48222
Assistant United States Attorney
400 E. 9th Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-7173
E-mail: amy.blackburn@usdoj.gov

VERIFICATION

I, Special Agent Christopher Atkins, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Drug Enforcement Administration, that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the factual matters contained in paragraphs eight through twenty-three of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Drug Enforcement Administration.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated 8/31/18

/s/ Christopher Atkins
Christopher Atkins
Special Agent
United States Drug Enforcement
Administration

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:

United States of America ;

County of Residence: Jackson County

Defendant(s):

First Listed Defendant:

2015 Ford F-150 Lobo, VIN:

1FTEW1EF3FKD18800

County of Residence: Jackson County

County Where Claim For Relief Arose: Jackson County

Plaintiff's Attorney(s):

Assistant United States Attorney Amy B. Blackburn (United States of America)

United States Attorney's Office

400 E. 9th Street, Fifth Floor

Kansas City, Missouri 64106

Phone: 816-426-7173

Fax:

Email: amy.blackburn@usdoj.gov

Defendant's Attorney(s):

Basis of Jurisdiction: 1. U.S. Government Plaintiff

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 625 Drug-Related Seizure of Property (21 U.S.C. 881)

Cause of Action: The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it was used, or was intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of the Controlled Substances Act.

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: No

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: */s/ Amy Blackburn*

Date: */s/ August 31, 2018*

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.